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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ABDULLAH & SONS RELATORS,

Plaintiff,

vs.

SIG ROGITCH & ROGITCH COMM.etal,

Defendant.

Case No. CV-S-05-1282-RLH (GWF)

FINDINGS AND RECOMMENDATIONS

This matter is before the Court on Plaintiff's Complaint (#1) filed on October 24, 2005. In filing a complaint in federal court, parties are required to either pay the filing fee (\$250 in the District of Nevada), or in substitution, file an Application to Proceed *in Forma Pauperis*.

Furthermore, pursuant to the Prison Litigation Reform Act of 1995 (PLRA), federal courts must dismiss the claim of a plaintiff proceeding *in forma pauperis*, if the action "is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e). Rule 12(b)(6) of the Federal Rules of Civil Procedure provides for dismissal of a complaint for failure to state a claim upon which relief can be granted. Review under Rule 12(b)(6) is essentially a ruling on a question of law. *North Star Intern. v. Arizona Corp. Comm'n*, 720 F.2d 578, 580 (9th Cir. 1983). In considering whether the Plaintiff has stated a claim upon which relief can be granted, all material allegations in the Complaint are accepted as true and are to be construed in the light most favorable to the Plaintiff. *Russell v. Landrieu*, 621 F.2d 1037, 1039 (9th Cir. 1980). Allegations of a pro se

1 complainant are held to less stringent standards than formal pleadings drafted by lawyers. *Haines v.*
2 *Kerner*, 404 U.S. 519, 520 (1972) (per curiam).

3 In this matter Plaintiff has failed to pay the \$250 filing fee, or in substitution, failed to file an
4 Application to Proceed *in Forma Pauperis*. Furthermore, the Plaintiff is requesting a frivolous
5 judgment of 100 billion dollars for a matter in which the Complaint does not even contain enough
6 information to determine if there are any claims upon which relief can be granted. Accordingly,

7 **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED** without prejudice to
8 the filing of a new complaint in a new action in compliance with the requirements for filing a civil
9 action.

10 DATED this 4th day of November, 2005.

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13 **GEORGE FOLEY, JR.**
14 **UNITED STATES MAGISTRATE JUDGE**
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